

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-9, 11 and 12 are pending. By this amendment Claims 1-9 are amended. No new matter has been added.

This Amendment is submitted in accordance with 37 C.F.R. §1.116. The present Amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present Amendment be entered under 37 C.F.R. §1.116

The Office Action objects to the drawings. Fig. 2 is replaced by new Fig. 2 to obviate this objection.

The Office Action rejects Claims 8 and 9 under 35 U.S.C. § 112, second paragraph. Claims 8 and 9 are amended to obviate this rejection.

The Office Action rejects Claim 7 under 35 U.S.C. § 102(b) over U.S.P. 5,574,706 to Verboom. Claim 7 is amended to be in proper U.S. patent practice format. The Examiner's attention is directed to M.P.E.P. § 2106(IV)(B)(1)(a).

The Office Action rejects Claims 1, 4, 6, 8 and 9 under 35 U.S.C. § 103(a) over Verboom in view of U.S.P. 5,986,592 to Nakagawa et al., Claim 2 under 35 U.S.C. § 103(a) over Verboom in view of Nakagawa et al. and further in view of U.S.P. 5,485,443 to Niwayama, Claim 3 under 35 U.S.C. § 103(a) over Verboom in view of Nakagawa et al. and further in view of U.S.P. 5,517,475 to Koyama et al. and Claim 5 under 35 U.S.C. § 103(a) over Verboom and Nakagawa et al. and further in view of U.S.P. 6,574,177 to Tani et al. These rejections are respectfully traversed.

Before considering the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103, it is believed that a brief review of the subject matter of the independent claims would be helpful.

In this regard, independent Claim 1 is directed to a recording and playback apparatus for recording data onto a predetermined recording medium and playing back the data from the recording medium, the recording and playback apparatus including a judgment mechanism to determine whether or not to correct focus precision when recording data onto an Nth track of the recording medium or playing back data from the Nth track, a computing mechanism to compute a performance function value based on a jitter value or amplitude of an RF signal obtained from an already recorded track in the neighborhood of the Nth track and a correction mechanism to correct the focus precision if the judgment mechanism determines to correct the focus precision in the recording data onto the Nth track of the recording medium or playing back data from the Nth track, the correction mechanism operating to correct the focus precision by using the performance function value.

Independent Claim 6 is directed to a recording and playback method for recording data onto a predetermined recording medium and playing back the data from the recording medium, the recording and playback method including determining whether or not to correct focus precision when recording data onto a Nth track of the recording medium or playing back data from the Nth track, computing a performance function value based on a jitter value or amplitude of an RF signal obtained from an already recorded track in the neighborhood of the Nth track and correcting the focus precision if it is determined to correct the focus precision in recording data onto the Nth track of the recording medium or playing back data from the Nth track, the correcting operating to correct the focus precision by using the performance function value.

Claim 7 is directed to, *inter alia*, a computer readable medium storing computer program instructions.

Neither Verboom nor Nakagawa disclose a judgment mechanism to determine whether or not to correct focus precision when recording data onto an Nth track of a

recording medium or playing back data from the Nth track, as in amended independent Claim 1, determining whether or not to correct focus precision when recording data onto an Nth track of the recording medium or playing back data from the Nth track, as in independent Claims 6 and a judgment step of determining whether or not to correct focus precision when recording data on an Nth track of the recording medium or playing back data from the Nth track, as in independent Claim 7.

As discussed in the Office Action, Verboom discloses that the initial calibration must be carried out before the recording or reproducing on an Nth track. Furthermore at column 3, lines 49-59, Verboom discloses that upon initial spin-up of a disc the optical head will drive to one of the SFP tracks prior to initial generation of a focus-offset signal. Once the drive has locked onto the SFP track, the reference marks in this track are used to determine a focus-offset value which is stored. The other SFP tracks are then accessed and focus-offset values are determined and stored. During data readout, the focus offset value for the SFP track nearest the track to be read is selected from the stored values. Thus, once recording or playing a data has started, no judgment is made.

As shown in Figure 2 of the specification, in step 4 a recording or playback operation is executed. Then in step 5 a judgment is made as to whether focus precision is to be corrected.

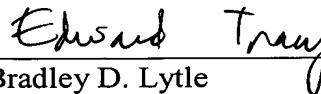
The remaining dependent claims are allowable for at least the reasons discussed above and for the individual features they recite. Withdrawal of the rejection of the dependent claims is respectfully requested.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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IN THE DRAWINGS

The attached replacement drawing sheet makes changes to Fig. 2 and replaces the original sheet with new Fig. 2.

Attachment: Replacement Sheet